NFIB
The Voice of Small Business.

September 3, 2014

Jack Zeigler, Policy and Rules Manager
State of Washington
Department of Enterprise Services
1500 Jefferson AVE
Olympia, WA 98504

Via email to rules@des.wa.gov and by USPS

Dear Mr. Zeigler:

On behalf of the nearly 8,250 small business owners who are members of the National Federation of Independent Business in Washington state, I am writing to express our strong concerns with the Department's draft **Print Management Rule, WSR 14-16-122**, and in particular its proposed **new section WAC 200-380-030(3)**:

> (3) Agencies must implement managed print strategies to track, manage, and reduce agency-based printing, to include implementation of managed print services where applicable, pursuant to RCW 43.19.733 and the department's *Print Management Guidelines*.

It appears this subsection attempts to give force of law to the Department's *Print Management Guidelines* by incorporating that document into rule by reference alone – with no opportunity for public review or comment on those guidelines. We believe this is a dangerous precedent.

Moreover, we believe it is contrary to both the intent and plain language of the state's Administrative Procedures Act. Specifically, the June 20, 2014, draft of the Department's *Print Management Guidelines*, the most recent version we found online, fails to meet the standard set forth in RCW 34.05.365. The draft:

- Does not identify any state or federal agency, political subdivision of this state, or generally recognized organization or association that has adopted these guidelines, and
- Is a mere four pages, certainly falling far short of being "unduly cumbersome, expensive, or otherwise inexpedient" to publish in its entirety.

These guidelines appear to be the cornerstone for determining whether an agency must use a public or private supplier for its printing needs. As such, future version of these guidelines could easily make small businesses ineligible or place them at a considerable disadvantage for providing these services – again with no opportunity for public review or comment.

This simply is not an acceptable approach.

We urge the Department to make its guideline drafting and approval processes open and accessible to stakeholders and the general public, in accordance with the principles and plain language of the state's Administrative Procedures Act.

At a minimum, WSR 14-16-122 should be amended to include the full text of the most recent *Print Management Guidelines*. Alternatively, the reference to those guidelines in the proposed new section WAC 200-380-030(3) should be deleted and separate, formal rule making should be initiated to adopt these guidelines.

Absent an open, public process for adopting and modifying the Department's *Print Management Guidelines*, NFIB will be forced to opposed the proposed rule and, if necessary, seek legislative or legal remedy should they be adopted as currently drafted.

Thank you for the opportunity to submit these comments for the record.

Respectfully submitted,

Patrick Connor
NFIB/Washington State Director